

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

FRANK C. CARLUCCI, III,)	
Plaintiff,)	
)	
v.)	Civ. No. 1:12cv451
)	
MICHAEL S. HAN, <u>et al.</u> ,)	
Defendants.)	
)	

MEMORANDUM OPINION

THIS MATTER came before the Court on plaintiff's Motion to Compel (Dkt. 71).

First, the Court notes that defendants' opposition brief was filed late in violation of this Court's Order of December 4, 2012. Nevertheless, the Court has reviewed all pleadings and exhibits filed by the parties, and has examined the e-mail and letter exchanges of counsel.

It is abundantly clear that defendants' document production is long overdue and incomplete, and that some of the documents that have been produced are in an unusable form. In their opposition brief, defendants give little justification for the delay and seem to take the absurd position that they should have until the end of the discovery period, April 15, 2013, to complete their document production. The Court can find no reason for the continued delay in production of documents,

especially the financial documents. Therefore, the Court will order that all financial documents be produced by February 25, 2013 and the remainder of the documents outstanding be produced by March 1, 2013.

As to the defendants' objections to the deposition notice pursuant to Fed. R. Civ. P. 30(b)(6), the Court finds that defendants' objections are largely without merit. The Court strikes all defendants' objections with the exception of topics 69 and 72.

Further, pursuant to Fed. R. Civ. P. 37(a)(5)(A), Plaintiff's counsel shall promptly submit a statement of fees and costs associated with this motion.

An appropriate order shall issue.

ENTERED this 22nd day of February, 2013.

/s/
THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia